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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,343

12/09/2004

Silverio De Marchi

26440U

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09/07/2006

NATH & ASSOCIATES

112 South West Street

Alexandria, VA 22314

EXAMINER

PAK, SUNG H

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/517,343	Applicant(s) DE MARCHI, SILVERIO	
	Examiner Sung H. Pak	Art Unit 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2, 4 and 5 is/are allowed.
- 6) ☒ Claim(s) 6-12 and 19 is/are rejected.
- 7) ☒ Claim(s) 13-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicant's amendment filed 6/22/2006 has been entered. All pending claims have been carefully reconsidered in view of the amendment. Upon further consideration, the previous ground of rejection is hereby withdrawn and a new ground of rejection is provided based on a newly cited prior art.

Claim Objections

Claim 13 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim *should refer to other claims in the alternative only*. Claim 13 depends on claim 8 AND claim 12. See MPEP § 608.01(n). Accordingly, the claim 13 has not been further treated on the merits. Also, claims 14-17 depend on claim 13. Therefore, claims 14-17 are also objected and they have not been further treated on the merits per MPEP § 608.01(n).

Claim 18 is objected to because of the following informalities: Claim 18 is identical to claim 7 as currently recited.. Therefore, only claim 7 is examined. Appropriate correction is required. Claim 19 depends on claim 18, but since claim 18 is identical to claim 7, claim 19 will be treated as being dependent on claim 7.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-9, 11-13, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Theuerkorn et al (US 6,672,774 B2).

Theuerkorn reference discloses an apparatus with all the limitations set forth in the claims, including: a connector plug pin (i.e. ferrule, shown in Fig. 10A); for receiving an optical waveguide (i.e. optical fiber shown in Fig. 10A) extending over a longitudinal center axis; a sleeve-like pin holder which consists of a plastic material with a pin receiving section in which the pin is held (pin holder being '869' or '871' in Fig. 10A); a cable receiving section to which the end of an optical waveguide cable can be fixed in a tension resistant manner (Fig. 9A; Fig. 5 explicitly shows the 'tension resistant' feature); wherein the cable receiving section has at least one cladding part which can be pivoted at a joint by a certain pivoting angle between an open position and a closed position (Fig. 9A); wherein the joint is a film hinge (col. 7, ll. 27-35);

wherein the connector plug pin is mounted with limited displaceability in the pin receiving section under axial spring prestressing by means of a helical compression spring (Fig. 10A);

wherein axially resilient region is provided on the cable receiving section (Fig. 10A, Fig. 8A).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theuekorn et al (US 6,672,774 B2).

Theuekorn reference discloses an apparatus as discussed above. However, it does not explicitly teach the pin holder with conical section, or the pin having a notch as claimed in the instant application.

On the other hand, the use of a conical connector plug element and a ferrule having a notch are both well known elements in the fiber connector art. Such elements are considered advantageous and desirable in the art because they allow for secure placement of optical fiber ferrule the plug connector housing for optimal optical coupling. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the device of Theuekorn to have a conical element and a pin with a notch as claimed in the instant application.

Allowable Subject Matter

Claims 2, 4-5 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:
Connector plug parts for optical plug-in connections are well known in the art. Chudoba et al

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(US 5,818,993) and Theuerkorn et al (US 6,672,774 B2) are prior art references that disclose the closest structural features from the claimed invention of the present application. However, none of the prior art fairly teaches or suggests such connector plug parts having a pin holder formed from two shell parts with pivotable cladding part on each of the shell parts, as well as the a cable receiving section having at least one cladding part that also pivots at a joint as claimed in the instant application.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sung H. Pak whose telephone number is (571) 272-2353. The examiner can normally be reached on Monday- Friday, 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571)272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'Sung H. Pak', with a stylized, flowing script.

Sung H. Pak
Primary Patent Examiner
Art Unit 2874